

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No. 1:16-cv-00628 (LAK)

Banco del Austro, S.A.,

Plaintiff,

v.

Wells Fargo Bank, N.A.,

Defendant.

-----x

**DECLARATION OF JOHN G. MARFOE, ESQ. IN SUPPORT OF  
PLAINTIFF BANCO DEL AUSTRO, S.A.'S MEMORANDUM OF  
LAW IN OPPOSITION TO DEFENDANT WELLS FARGO BANK, N.A.'S  
MOTION TO DISMISS THE COMPLAINT PURSUANT TO FRCP 12(b)(6)**

I, JOHN G. MARFOE, hereby declare as follows:

1. I am an attorney at the law firm of WNF Law, P.L. – Waserstein Nunez & Foodman, counsel for the Plaintiff Banco Del Austro, S.A. I am admitted to practice in the State of New York and *pro hac vice* before this Court in the above-styled case.

2. In accordance with the Court's Individual Rules of Practice, “[a]ll exhibits to memoranda and other papers should be tabbed and indexed.” In compliance with the foregoing rule, I declare the following:

- a. Attached as Exhibit “1” is a true and correct copy of the Complaint with exhibits attached thereto, as filed by Plaintiff Banco Del Austro, S.A.
- b. Attached as Exhibit 2 is a true and correct copy of Defendant Wells Fargo Bank’s July 31, 2014, letter received by Plaintiff Banco Del Austro, S.A.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: March 31, 2016.

/s/ John Marfoe

John G. Marfoe

**CERTIFICATE OF SERVICE**

I certify that on March 31, 2016, this document was served by transmission of a Notice of Filing generated by CM/ECF upon the following:

Jeffrey J. Chapman ([jchapman@mcguirewoods.com](mailto:jchapman@mcguirewoods.com))

Aaron F. Jaroff ([ajaroff@mcguirewoods.com](mailto:ajaroff@mcguirewoods.com))

McGuireWoods, L.L.P.

1345 Avenue of the Americas, 7<sup>th</sup> Floor

New York, New York 10105-0106

(212) 548-2100

*Attorneys for Defendant Wells Fargo Bank, N.A.*

/s/ John Marfoe